



Order Filed on January 11, 2023
by Clerk

Case No.: 17-33517-RG
U.S. Bankruptcy Court
District of New Jersey

Chapter: 13

Hon. Judge: Rosemary Gambardella

Hearing Date: December 21, at
10:00AM

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

Friedman Vartolo LLP
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Attorneys for Rushmore Loan Management Services,
LLC as servicer for U.S. Bank Trust National
Association as trustee for Treehouse Series V Trust

In Re:

Mohammed S. Bhuiyan
Debtor

CONSENT ORDER RESOLVING MOTION TO VACATE STAY

The consent order set forth on the following pages, numbered two (2) through four (4),
is hereby **ORDERED**.

DATED: January 11, 2023

A handwritten signature in cursive script that reads "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

Applicant: Rushmore Loan Management Services, LLC as servicer for U.S.
Bank Trust National Association as trustee for Treehouse Series V
Trust
Applicant's Counsel: Friedman Vartolo LLP
Debtor's Counsel: Scura, Wigfield, Heyer & Stevens
Property (Collateral): 47 Redwood Avenue, Paterson, NJ 07522
Relief Sought:
• Relief from Automatic Stay

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor(s) is/are overdue for 39 months, from 09/01/2019 to 11/01/2022.
- ☒ The Debtor(s) is/are overdue for 5 payments at \$955.99 per month
- ☒ The Debtor(s) is/are overdue for 5 payments at \$961.66 per month
- ☒ The Debtor(s) is/are overdue for 4 payments at \$962.72 per month
- ☒ The Debtor(s) is/are overdue for 4 payments at \$983.34 per month
- ☒ The Debtor(s) is/are overdue for 12 payments at \$991.93 per month
- ☒ The Debtor(s) is/are overdue for 9 payments at \$1,035.10 per month
- ☐ The Debtor(s) is/are due for \$0.00 in accrued late charges.
- ☒ The Debtor(s) is/are due for \$200.00 in attorney's fees and costs.
- ☒ Applicant acknowledges suspense funds in the amount of \$204.61

Total Arrearages Due: \$38,586.94

2. Debtor(s) must cure all post-petition arrearages, as follows:

- ☒ Debtor shall enter a loan modification no later than March 22, 2023.
- ☒ Beginning on December 1, 2022, regular monthly mortgage payments shall continue to be made in the amount of \$1,035.10, pursuant to the terms of the Note, Mortgage and/or any future payment change notices. This amount is to be paid to Secured Creditor while the Debtor's loan modification application is pending. pending a Loan Modification.
☐ Beginning on _____, through and including _____, additional monthly cure payments shall be made in the amount of \$ _____ for _____ months
- ☒ The amount of \$38,586.94 shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a

Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address:

Payments: Rushmore Loan Management Services
P.O. Box 52708
Irvine, CA 92619-2708

4. In the event of default:

☒ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post-petition delinquency is more than fourteen (14) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

If the debtor fails to acquire a trial loan modification and/or a permanent loan modification in the time prescribed pursuant to Paragraph 2 of this order, then the Debtor must within fourteen (14) days of the default, modify the Chapter 13 plan in order to cure the pre-petition arrears due and owing to the secured pursuant to the Creditor's Proof of Claim, or surrender the property.

☒ In the event the Debtor(s) converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtor(s) fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than fourteen (14) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay


5. Award of Attorney's Fees:

The Applicant is awarded attorney's fees of \$200.00.

The fees and costs are payable:

- ☐ Attorney's fees and costs have been included in the Consent Order.
- ☒ Through the Chapter 13 plan. The fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.
- ☐ To the Secured Creditor within _____ days
- ☐ Attorney's fees are not awarded.
- ☐ Movant reserves its right to file a Post-Petition Fee Notice for fees and costs incurred in connection with the Motion for Relief.

The undersigned hereby consent to the form and entry of the foregoing order.



Jamal Romero, Esq.
Attorney for Debtor

/s/ Jonathan Schwalb, Esq.
Jonathan Schwalb, Esq.
Attorney for Secured Creditor

In re:
Mohammed S. Bhuiyan
Debtor

Case No. 17-33517-RG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Jan 11, 2023

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 13, 2023:

Recip ID	Recipient Name and Address
db	+ Mohammed S. Bhuiyan, 47 Redwood Avenue, Paterson, NJ 07522-1925

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 13, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 11, 2023 at the address(es) listed below:

Name	Email Address
Brian E Caine	on behalf of Creditor U.S. Bank National Association Et Al bcaine@parkermccay.com, BKcourtnotices@parkermccay.com
David L. Stevens	on behalf of Debtor Mohammed S. Bhuiyan dstevens@scura.com ecfbkfilings@scuramealey.com; pevangelista@scura.com; amurphy@scura.com; vmajano@scura.com; rshah@scura.com; jromero@scura.com; sduarte@scura.com; spereyra@scura.com; 14518@notices.nextchapterbk.com
Denise E. Carlon	on behalf of Creditor Toyota Motor Credit Corporation dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Jill Manzo	on behalf of Creditor RUSHMORE LOAN MANAGEMENT SERVICES LLC as servicer for U.S. BANK NATIONAL ASSOCIATION , NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE RMAC TRUST, SERIES 2016-CTT bankruptcy@fskslaw.com
Jonathan C. Schwalb	

District/off: 0312-2

User: admin

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Date Rcvd: Jan 11, 2023

Form ID: pdf903

Total Noticed: 1

on behalf of Creditor Rushmore Loan Management Services LLC as servicer for U.S. Bank Trust National Association as trustee
for Treehouse Series V Trust bankruptcy@friedmanvartolo.com, jschwalb@ecf.courtdrive.com

Marie-Ann Greenberg

magecf@magtrustee.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7